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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,215	10/14/2003	William A. Welsh	67008-156PUS1;5691	4100

26096 7590 07/30/2009

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ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM A. WELSH

Appeal 2009-002774
Application 10/685,215
Technology Center 3600

Decided:[1] July 30, 2009

Before LINDA E. HORNER, STEFAN STAICOVICI, and
KEN B. BARRETT, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

William A. Welsh (Appellant) seeks our review under 35 U.S.C. § 134 of the final rejection of claims 22 and 25-27. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We AFFIRM.

THE INVENTION

Appellant's claimed invention pertains to a system for minimizing in-plane vibration produced in a rotating system of a rotary-wing aircraft. (Subst. Spec. 1, ll. 3-5.) Claim 22, reproduced below, is representative of the subject matter on appeal.

> 22. A vibration isolation system for reducing vibrations in a rotating system rotatable about an axis of rotation, comprising:
>
> a multiple of independently rotatable masses coaxially disposed about an axis of rotation of a rotating system;
>
> a drive system interconnected to each of said multiple of independently rotatable masses to independently rotate each of said multiple of independently rotatable masses about said axis of rotation; and
>
> a control system in communication with said drive system to control an angular velocity of at least one of said multiple of independently rotatable masses to reduce in-plane vibration of the rotating system.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Ueda et al. (as translated) JP 61-164109 Published July 24, 1986

Before us for review is the Examiner's rejection of claims 22 and 25-27 under 35 U.S.C. § 102(b) as anticipated by Ueda.

ISSUE

The Examiner found that Ueda discloses all of the limitations of Appellant's claim 22. (Ans. 3-4.) Appellant argues that Ueda's elements 21a and 21b cannot be considered to be independently rotatable masses. (App. Br. 6-7.) Therefore, the issue on appeal is:

Has Appellant shown that the Examiner erred in finding that Ueda discloses independently rotatable masses?

FINDINGS OF FACT

We find that the following enumerated findings are supported by at least a preponderance of the evidence.

1. Ueda discloses a vibration type angular velocity meter using multiple vibrators, each comprising a wobbling mass member and a supporting section.

(Ueda 2.) Figure 6 of Ueda is reproduced below:

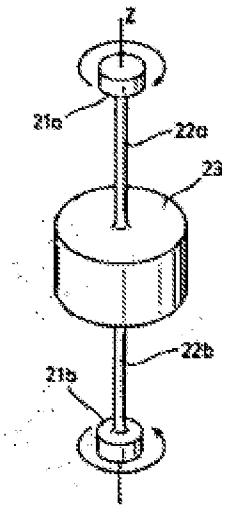

Figure 6 depicts an embodiment having two vibrator units. (*Id.* at 12.)

2. The device shown in Ueda's Figure 6 has two wobbling mass members 21a and 21b elastically supported on case 23 by supporting sections 22a and 22b, respectively. (Ueda 5, 12.) As indicated by the direction arrows depicted in Figure 6, the mass members rotate in opposite directions. (*Id.* at 5, 12, fig. 6.) The wobbling mass members move in an orbit around the Z-axis. (*See id.* at 8, fig. 3.) The device contains an excitation means for wobbling the mass members. (*Id.* at 5.)

3. Ueda's device is utilized for obtaining an attitude control signal for an aircraft. (Ueda 2.) The device contains an arithmetic operation part that computes the difference between the frequencies of the vibrators so as to compute their angular velocities. (*Id.* at 5.)

PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987) (citations omitted).

ANALYSIS

Appellant argues the rejected claims as a group. (App. Br. 3-7.) We select claim 22 as the representative claim, and claims 25-27 stand or fall with claim 22. 37 C.F.R. § 41.37(c)(1)(vii) (2009).

Claim 22 recites "a multiple of independently rotatable masses." Appellant disputes the Examiner's finding that Ueda's elements 21a and 21b correspond to the recited independently rotatable masses. (App. Br. 6-7.) Specifically, Appellant contends that Ueda's Figure 6 illustrates a solid interface between the different components, and therefore does not show any structure which provides for rotation. (*Id.* at 6.) However, Appellant's observation merely suggests that Ueda's mass members do not spin on the Z-axis. Appellant does not address the two arrows depicted in that figure which indicate that the masses rotate in opposite directions. As set forth in our findings above, Ueda's mass members rotate, or orbit, in opposite directions around the Z-axis. (Facts 1, 2.) Accordingly, Appellant has not persuaded us that the Examiner erred in finding that Ueda discloses independently rotatable masses as recited in claim 22. Appellant does not offer persuasive argument or evidence that any other claim limitation is missing from the Ueda disclosure.

Appellant asserts that, because the Examiner relies on the Ueda patent and a translation of Ueda was not received until receipt of the Answer, "the record is simply not clear as to the precise facts the Examiner is relying upon in support of the rejection." (Reply Br. 2.) Appellant, however, does not point to any specific aspect of the rejection that remains unclear after receipt of the translation along with the Examiner's Answer containing an explanation of the rejection. Appellant's mere assertion that the "precise facts" are not clear does not identify with particularity any error in the rejection. Further, to the extent that Appellant argues that the rejection should be reversed due to purported procedural missteps, we note that procedural matters do not fall within our jurisdiction. *See In re Mindick*, 371 F.2d 892, 894 (CCPA 1967).

We sustain the rejection of claim 22, as well as the rejection of claims 25-27 which fall with claim 22.

CONCLUSIONS

Appellant has not shown that the Examiner erred in finding that Ueda discloses independently rotatable masses.

DECISION

The decision of the Examiner to reject claims 22 and 25-27 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

Klh

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